

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-10473PBS

CAPCO STEEL CORPORATION,

Plaintiff

v.

CLARK/HUBER, HUNT & NICHOLS/BERRY, a joint venture,

NATIONAL UNION FIRE INSURANCE COMPANY OF

PITTSBURGH, PA,

FEDERAL INSURANCE COMPANY,

FIDELITY AND DEPOSIT COMPANY OF MARYLAND,

ZURICH AMERICAN INSURANCE COMPANY,

UNITED STATES FIDELITY AND GUARANTY

INSURANCE COMPANY,

ST. PAUL FIRE AND MARINE INSURANCE COMPANY,

Defendants

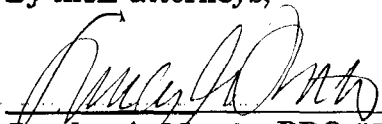
STIPULATION OF DISMISSAL

The parties to the above-entitled action, pursuant to Mass. R. Civ. P. 41(a)(1)(ii), hereby stipulate that all claims and counterclaims between the plaintiff and the defendants be dismissed with prejudice and without costs, with all rights of appeal being waived.

Respectfully submitted,

CLARK/HUBER, HUNT &
NICHOLS/BERRY, A JOINT
VENTURE, CLARK CONSTRUCTION
GROUP, LLC, HUNT CONSTRUCTION
GROUP, INC., WILLIAM A. BERRY &
SON, INC., NATIONAL UNION FIRE
INSURANCE COMPANY OF
PITTSBURGH, PA, FEDERAL
INSURANCE COMPANY, FIDELITY
AND DEPOSIT COMPANY OF
MARYLAND, ZURICH AMERICAN
INSURANCE COMPANY, UNITED
STATES FIDELITY AND GUARANTY
INSURANCE COMPANY, and ST.
PAUL FIRE AND MARINE
INSURANCE COMPANY,

By their attorneys,

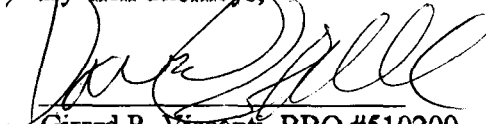


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HOLLAND & KNIGHT LLP
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Tel: (617) 523-2700

Respectfully submitted,

CAPCO STEEL CORPORATION,

By their attorneys,



Girard R. Visconti, BBO #510200
David M. Campbell, BBO #645512
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Providence, RI 02903
Tel: 401-331-3800

UNITED STATES DISTRICT COURT
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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the following document:

STIPULATION OF DISMISSAL

was served on the United States District Court – District of Massachusetts and on the following attorneys, by way of electronic filing, on the 23rd day of January 2006.

Counsel for Plaintiff, Capco Steel Corporation

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